

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

EARL PARRIS, JR., individually,
and on behalf of a class of persons
similarly situated,

Plaintiff,

CITY OF SUMMERVILLE,
GEORGIA,

Intervenor-Plaintiff,

v.

3M COMPANY, *et al.*,

Defendants.

Case No. 4:21-cv-00040-TWT

JOINT NOTICE OF FILING

PLEASE TAKE NOTICE that, in accordance with the Scheduling Order (ECF No. 187) and Court's Order granting the parties' joint motion for extension of time (ECF No. 247), 3M Company hereby files, on behalf of the undersigned parties, a Proposed Briefing Order, attached as Exhibit A.

The parties have agreed upon a proposed class certification briefing order. However, the parties have conferred and agree that it is too early to assess the practicality of consolidated defense briefing on summary judgment issues. Summary

judgment often turns on the specific record evidence relating to the moving party, and fact discovery is still in its early stages. Under paragraph 14 of the Scheduling Order (ECF No. 187), summary judgment motions are not due until after the close of expert discovery, and Defendants are not able to evaluate the potential, if any, for consolidated briefing on summary judgment at this time. Nevertheless, Defendants are mindful of the need to avoid unnecessary, duplicative briefing whenever possible. Plaintiffs and Defendants agree to meet and confer and submit a Proposed Order (or competing proposals) addressing summary judgment briefing twenty-one (21) days after Defendants disclose merits experts pursuant to Paragraph 9 of the Scheduling Order (ECF No. 187). In the event the parties cannot reach agreement, they will submit competing proposals for resolution by the Court.

In addition, the parties have conferred and agree that it is too early to assess the practicality of consolidated defense briefing on Daubert motions. Fact discovery is just beginning, and merits experts will not be disclosed until fact discovery closes and the Court rules on class certification. Without any information about the identity of Plaintiffs' experts, their specific opinions, or the bases for those opinions, Defendants are not yet able to evaluate whether joint briefing on Daubert issues is practical or appropriate. Nevertheless, Defendants are mindful of the need to avoid unnecessary, duplicative briefing where possible. Plaintiffs and Defendants agree to

meet and confer and submit a Proposed Order (or competing proposals) addressing Daubert briefing twenty-one (21) days after Defendants disclose merits experts pursuant to the Scheduling Order (ECF No. 187). In the event the parties cannot reach agreement, they will submit competing proposals for resolution by the Court.

Respectfully submitted this 4th day of October, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the within and foregoing, which has been prepared using 14-point Times New Roman font, with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to all Counsel of record.

Dated: October 4, 2022.

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